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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,922	06/09/2000	Saeed Shafiyani-Rad	00AB045	3172

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EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/590,922

Applicant(s)

SHAFIYAN-RAD ET AL.

Examiner

Phung T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-14, and 19-21 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. In view of the ~~Supplemental~~ Appeal Brief filed on 05/13/02, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 10, 11, 13, 14, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Piber [U.S. Pat. 4,082,934]

**Regarding claim 1:** Piber discloses a switch with illuminated handle tip comprising a housing 32 (figure 2, col. 3, lines 14-24) having a first side extending generally between second and third sides as shown in figure 4; and at least one elongated strip 34 (figures 2, 4 and 5, col. 3,

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lines 25-60) extending through the first side and at least one of the second and third sides so that part of the strip is visible at the first side and the at least one of the second and third sides.

**Regarding claim 2:** Piber discloses the claimed the light source operatively associated with the at least one elongated strip so that light from the light source illuminates the at least one elongated strip which is met by the lamp 18 (figure 2, col. 3, lines 42-45).

**Regarding claim 4:** Piber teaches the at least one elongated strip extends completely through the housing from the second side through to the third side and is exposed at the first side, whereby the at least one elongated strip is visible along the first side, the second side, and the third side is met by the insert 34 (figure 5, col. 3, lines 25-42).

**Regarding claim 5:** Piber discloses the second and third sides are opposed sides of the insert 34 (figure 5, col. 4, lines 9-21).

**Regarding claim 10:** Piber discloses the claimed the at least one elongated strip has an outer that substantially conforms to the contour of an adjacent outer sidewall portion of the housing as shown in figure 4.

**Regarding claim 11:** All the claimed subject matter is discussed in respect to claims 1 and 2 above.

**Regarding claim 13:** Refer to claim 4 above.

**Regarding claim 14:** Refer to claim 5 above.

**Regarding claim 19:** Refer to claim 10 above.

**Regarding claim 20:** Piber discloses the insert 34 having an outer sidewall portion; illumination means for emitting light when activated is met by the lamp 18; and the housing means for transmitting emitted light from the illumination means so as to be visible from a plurality of sides of the outer sidewall portion of the housing which is met by the inset 34 (figures 2, 4, and 5, col. 3, lines 25-60, and col. 4, lines 9-17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piber in view of Keranen [U.S. Pat. 3,711,669].

**Regarding claim 3:** Piber teaches that light rays emanating from lamp 18 and entering the insert 34 (figure 2, col. 3, lines 42-49). But Piber does not show the light source having an illuminated condition and nonilluminated condition, each condition being indicative of an operating condition of the indicator. However, Keranen discloses a switch having a shock-proof lighted toggle switch comprising a switch having a lamp inside its toggle lever to serve as an indicator of the operating condition, see abstract. Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Keranen in the invention of Piber so that an individual may monitor the operating condition of the device because an incandescent lamp bulb provides much greater illumination to enable the device to be seen from far.

**Regarding claim 12:** Refer to claim 3 above.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Piber in view of Schneider et al. [U.S. Pat. Des. 391,182].

**Regarding claim 21:** Piber discloses all the claimed subject matter discussed in respect to claims 1 and 2 above. Piber fails to disclose a proximity sensor for sensing the proximity of an object. However, the use of proximity sensor is old and well known in the art as taught by

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Schneider et al. (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Schneider et al. in the system of Piber for detecting the presence or absence of an object.

### *Allowable Subject Matter*

7. Claims 6-9, and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Piber (U.S. Pat. 4,321,443) discloses a lighted toggle lever switch having articulated conductors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703) 308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703) 305-4717. The fax number for this Group is (703) 872-9314.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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Examiner: Phung Nguyen

Date: July 22, 2002



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SUPERVISORY PATENT EXAMINER  
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